

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

**FILED**

**March 03, 2017**

KAREN MITCHELL  
CLERK, U.S. DISTRICT COURT

---

No. 16-11534  
7:16-cv-54-O

---

STATE OF TEXAS; HARROLD INDEPENDENT SCHOOL DISTRICT (TX);  
STATE OF ALABAMA; STATE OF WISCONSIN; STATE OF TENNESSEE;  
ARIZONA DEPARTMENT OF EDUCATION; HEBER-OVERGAARD  
UNIFIED SCHOOL DISTRICT (AZ); GOVERNOR OF MAINE PAUL  
LEPAGE; STATE OF OKLAHOMA; STATE OF LOUISIANA; STATE OF  
UTAH; STATE OF GEORGIA; STATE OF WEST VIRGINIA; STATE OF  
MISSISSIPPI; STATE OF KENTUCKY,

Plaintiffs - Appellees

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF  
EDUCATION; JOHN B. KING, in his Official Capacity as United States  
Secretary of Education; UNITED STATES DEPARTMENT OF JUSTICE;  
JEFFERSON B. SESSIONS, III, in his Official Capacity as Attorney General  
of the United States; VANITA GUPTA, in her Official Capacity as Principal  
Deputy Assistant Attorney General; UNITED STATES EQUAL  
EMPLOYMENT OPPORTUNITY COMMISSION; JENNY R. YANG, in her  
Official Capacity as the Chair of the United States Equal Employment  
Opportunity Commission; UNITED STATES DEPARTMENT OF LABOR;  
THOMAS E. PEREZ, in his Official Capacity as United States Secretary of  
Labor; DAVID MICHAELS, in his Official Capacity as the Assistant  
Secretary of Labor for Occupational Safety and Health Administration,

Defendants - Appellants

---

Appeal from the United States District Court for the  
Northern District of Texas, Wichita Falls

---

CLERK'S OFFICE:

Under FED R. APP. P. 42(b), the appeal is dismissed as of March 03, 2017, pursuant to appellant's motion.

LYLE W. CAYCE

Clerk of the United States Court  
of Appeals for the Fifth Circuit

*Melissa Mattingly*

By: \_\_\_\_\_  
Melissa V. Mattingly, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT



Certified as a true copy and issued  
as the mandate on Mar 03, 2017

Attest: *Lyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit